



City of Carmel

CARMEL PLAN COMMISSION

July 18, 2006

Minutes

The regularly scheduled meeting of the Carmel Plan Commission opened with the Pledge of Allegiance at 6:00 PM on July 18, 2006 in the Council Chambers of City Hall, Carmel, Indiana.

Members present: Jerry Chomanczuk, Leo Dierckman, Mark Rattermann, Rick Ripma, Carol Schleif, and Susan Westermeier, thereby constituting a quorum.

DOCS Staff: Mike Hollibaugh, Director, Matt Griffin, Christine Barton-Holmes, intern Nathan Anderson. Also John Molitor, Legal Counsel.

The minutes of the June 20, 2006 meeting were approved as submitted.

F. Communications, Bills, Expenditures, & Legal Counsel Report

John Molitor suggested scheduling a meeting of the Executive Committee to look at potential changes in the Rules of Procedure; this could be done to coincide with the regularly scheduled Committee meeting on August first.

G. Reports, Announcements, & Department Concerns

Matt Griffin reported that two items have been continued to August 15: Item 1h, Guerrero Property PUD, and Item 1i, Midtown Village PUD.

1G. Gramercy Economic Development Plan – Resolution

by Michael R. Shaver, Wabash Scientific

Michael Shaver, President of Wabash Scientific appeared before the Commission representing the Carmel Redevelopment Commission. Also in attendance: Bruce Donaldson, attorney with Barnes & Thornburg appeared before the Commission representing the Carmel Redevelopment Commission.

Michael Shaver stated that he authored the Gramercy Economic Development Plan dated July 11, 2006. The Plan was developed on the basis of information presented to the Plan Commission. One of the maps included in the Plan is an aerial of the Gramercy site and its connection to the Carmel Drive commercial area. The Gramercy developer is working with the Redevelopment Commission to structure a Tax Increment Financing District and an appropriate designation of tax allocation

areas. The issue before the Plan Commission this evening is the approval or disapproval of the Resolution that states that the Economic Development Plan conforms to the overall plan of development for the City of Carmel.

The Redevelopment Commission thought it would be more appropriate to wait until the Plan Commission had taken action and made its recommendation to the City Council before it took action on the Economic Development area.

The Tax Increment Financing (TIF) structure will help defray the cost of infrastructure revisions to what is now the Mohawk Hills Apartment Complex and the redevelopment of that particular tract of land that includes the Golf Course and Apartments.

Mr. Shaver asked that this item be referred to the Executive Committee for further review.

Jerry Chomanczuk questioned certain sections of the Plan, in particular paragraph 5 that states “The Plan Commission has determined that no residents of the City of Carmel will be displaced by the proposed development thereof.” How can we make that determination with any amount of certainty?

Bruce Donaldson, attorney with Barnes & Thornburg who serves as counsel for the Redevelopment Commission responded that under the Redevelopment statute, the Redevelopment Commission and the Plan Commission are required to take into consideration whether the Redevelopment Commission’s projects will displace any residents. It is the understanding that the Redevelopment’s role in this will be basically for the public infrastructure—streets, parking, etc. While the purchase of the property by the developer and change in the use may result in residents relocating to other areas, the Redevelopment Commission’s role in just doing the public infrastructure as designed, would not.

Jerry Chomanczuk also questioned why the Developer is not prominently named from the beginning of the document as opposed to the tail end with the tables—Buckingham.)

Mike Shaver responded that the Redevelopment Commission simply did not want the name of the developer to get in the way of whatever the contemplation is—the project is the project—ultimately the name of the developer was felt to be unimportant to what was being done. However, the Buckingham name can certainly be inserted throughout.

Jerry Chomanczuk responded that it was OK as is, but did wonder if it was an oversight. Page 5, first paragraph, last sentence says that the Economic Development Plan does not intend to suggest that such an outcome (urban blight) would be manifest here. Page 11 we start seeing contradictory statements which tend to indicate that this will evolve into some form of potential blight. This is a little inconsistent.

Mike Shaver referred to page 5 and said it is a general statement about owners of apartment complexes and different kinds of developments and their investment decisions with regard to that ownership. Do they invest a sufficient amount of money to keep the property current, do they have an accumulating list of maintenance items that have not been performed for any reason. Is there a

chronic problem with disinvestments where the owners have removed revenue from the project without reinvesting. Page 11—there comes a point in this process where a choice can be made: Do you want to invest significantly?

Jerry Chomanczuk then referred to pages 6 and 7, the legal description of the economic development area and tax parcels—has this been proofed?

Mike Shaver responded a hopeful affirmative.

Jerry Chomanczuk referred to page 9—what we are talking about is a location ideally suited for commercial development. The commercial element of Gramercy is in its interior. People driving along Keystone, whether north or south, to go within the interior of a planned development—it is really that accurate? A corollary would be the Village of WestClay with its commercial elements within its core of the development. How is this ideally located?

Mike Shaver responded that the Gramercy development is immediately adjacent to the commercial area located along Carmel Drive. If you were to postulate that a community needs “X” number of square feet of commercial area based on a certain size and certain income, and the amount of square footage being proposed for commercial under the Gramercy proposal is inappropriate for the City of Carmel, then the question becomes, “Where would it be located?” In the case of Village of West Clay, they have 131st Street, a two-lane road, but they only have 100,000 square feet of commercial development and they are on the west side of US 31. This particular site is located next to a divided highway. If the redevelopment takes place in the urban portion of the City, the amount of sprawl is reduced and increase the access of the existing part of Carmel to retail shopping without having to develop another Simon-type mall on the outskirts. This particular site, being adjacent to existing commercial and a four-lane divided highway with turn lanes is an appropriate location for high intensity commercial development.

Jerry Chomanczuk said he would forward additional comments to Mr. Shaver. There is also an issue with page 21—the estimated, additional annual COIT. Why don’t we just clarify the numbers? These numbers seem somewhat higher.

Mr. Shaver felt that terms such as “average median” is redundant. We wanted to make it clear that it was an inadvertent nomenclature issue. Mr. Shaver said he would identify sources and clarify the numbers.

Jerry Chomanczuk also asked about a parking structure and whether or not one was actively encouraged.

Rick Ripma asked for clarification on the TIF—what the developer is asking for is, rather than paying for the infrastructure themselves, the City taxes would pay for it.

Matt Griffin confirmed comments made by Rick Ripma. An area within the development is being identified where tax dollars will be utilized to pay for infrastructure and improvements.

Rick Ripma wondered why the City would do that—every other developer pays for his

development.

Bruce Donaldson responded that the City is not committing any of its general tax sources—a portion of the infrastructure dollar, higher than \$20 million, would come from the Tax Increment Finance—new incremental taxes from their development. If the project does not develop, the developer is on the hook for it. It is similar to other deals the City has done with Merchants Square, Merchants Pointe, Parkwood, etc. There is significant precedent in the City for doing these types of “developer TIFs” where new taxes coming off the development will be devoted to fund public infrastructure. Again, if it does not develop, the developer is on the hook for it. The short answer to the question is that at this point, the Redevelopment Commission needs to help find a way to fund the infrastructure to make this project happen—if not, it probably won’t happen.

Mark Rattermann asked about the design of the law that created the TIF and the EDA’s—why the legislature would do that and is it a requirement that it be a blighted area.

Bruce Donaldson explained that the TIF is a tool for stimulating economic and redevelopment in situations where it might not happen if this tool was not used. There are two different types of areas: one is a blighted area, one is an economic development area—different statutory findings—either one can be declared a TIF area and must meet the statutory findings that are outlined in the plan; it is related to creating new jobs, etc. This is partly related to the commercial development portion of the plan.

Mike Shaver noted that the plan provides for 78,950 square feet of retail/commercial, 40,000 square feet of office space, and 120,000 square foot hotel. All of those should have been put in the initial plan before the Commission and there should be no surprise there.

David Leazenby, Buckingham Properties, said the plan provides for 150,000 square feet of office service/retail uses as outlined in the PUD Ordinance before the City Council for review. There is a phase II that is within the TIF, Economic Development Area that is not on the Gramercy property that is also included in the plan, that is the Marsh building (The Fountains,) and the Barnes property which is owned by Buckingham—that is Phase II commercial redevelopment. There are areas outside of what was approved at Plan Commission.

Mark Rattermann then gave forth his understanding, that the extra tax on these buildings to be built will be taken to purchase bonds that will be used for infrastructure. How long are the bonds?

Mike Shaver confirmed Mark Rattermann’s understanding; however, it has not yet been determined how long the bonds are—it could be 20 years, 25 years, etc.

Mark Rattermann continued that the money that would be taxed on the buildings above the assessed value today would be used to pay off the debt for the infrastructure. Specifically what infrastructure improvements are we talking about—how much of this is on site, how much is off site?

Mike Shaver referred to Page 20 of the Economic Development Plan is a Property Tax, AV & TIF: Projections & Strategy developed by H.J.Umbaugh. \$28 million is the approximate current value of the four parcels with an estimated assessed value (not construction value) of \$275 million. The

breakdown is on page 21 in five line items: street, curbs, paths, lighting, demolition, stormwater management, soft costs, etc., \$12 million; public open spaces and parks, \$2.6million; public parking garages, \$4 million; 126th Street improvements, \$700,000 and Auman Neighborhood Improvements, \$700,000. It is not yet on a map.

Mark Rattermann responded that where these improvements sit will be very telling. If the road is inside the project, that may affect the vote on this—if the road is 126th Street, that is a different story. If it is a parking garage on the property, on Gramercy property, that is one thing—if it is a parking garage someplace where the City has open and public access, that is completely different. It is vital that we see exactly where these public improvements will be so that we know exactly what it is that the tax dollars from the bond revenue will be constructing. The taxes off these projects will come back to pay these bonds.

Mike Shaver stated that all of those issues are to be addressed by the Redevelopment Commission.

There was further discussion and explanation of the TIF and examples given of TIF areas.

John Molitor opined that under the Rules of Procedure, the Executive Committee would be the appropriate body to hear this Plan. The Executive Committee does have jurisdiction over administrative matters and technically, this is an administrative determination as to whether or not this plan complies with the Comprehensive Plan for the City.

Jerry Chomanczuk forwarded the Gramercy Economic Development Plan to the Executive Committee (date to be determined) for review and recommendation to the full Plan Commission. Plan Commission members were encouraged to submit their comments to the President.

The Agenda for the Executive Committee Meeting will be published according to Statute giving the time, location and subject matter.

H. Public Hearings:

- 1H. **Docket No. 06010003 Z: Guerrero Property PUD – CONT. TO AUG. 15.**
The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.
The site is located at the northwest corner of Towne Road and 131st Street.
Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.
- 2H. **Docket No. 06060005 DP: Block G, West Carmel Marketplace**
The applicant seeks site plan approval for a proposed commercial retail building. Elevations and an ADLS/DP Amend application will be submitted at a later date.
The site is located at 99th Street and North Michigan Road and is zoned B2/B3.
Filed by Chris Laystrom of Woolpert Engineering for Duke Construction.

Chris Laystrom, Woolpert Engineering appeared before the Commission representing the applicant.

The applicant is seeking approval for the construction of a commercial retail building on Block G within the West Carmel Marketplace located at 99th Street and North Michigan Road. A 24X36 site plan was provided.

Block G is an 8-acre site within the overall development of West Carmel Marketplace and is currently undeveloped. Block G is located at the corner of future Commerce Drive and 99th Street, the southwest corner, and adjacent to the future Home Depot store.

The applicant is seeking site plan approval. The parking lot consists of 489 spaces with curbed islands, landscaping, lighting, and utilities. At this time, there is no identifiable building footprint and the applicant will return to the Commission for ADLS review and approval.

Department Report, Matt Griffin: The applicant is requesting Development Plan approval and there is no detail on the building. Typically, this is seen as DP/ADLS—when a tenant is selected and the DP is approved, the applicant would come in with a footprint of the building and improvements would come in either as ADLS alone or a DP Amend/ADLS request, depending on the amount of changes. There are two issues with the current proposal: 1) The Department is still awaiting the lighting plan; this is in the 421 Overlay and the photo-metrics are a little off. 2) The Urban Forester is requesting some species substitution. Otherwise, this is an anticipated project with no surprises, therefore, the Department is recommending final approval at the Committee level as opposed to returning to the full Commission.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Commission Comments

Carol Schleif wondered about the square footage—isn't there a limit of 85,000 square feet that was passed by Council on June 5, 2006? This petition was submitted prior to that.

Department Comments, Matt Griffin: This petition was not submitted prior to Council action; however, the overall size limit does not fall within this area—that is south of this site.

Leo Dierckman asked about the logic in going through the DP process only at this time.

Chris Laystrom responded that Duke's intention is to complete work before the winter season. Duke has commitments from Home Depot to provide access to their trailer and loading dock areas. Commerce Drive will not be completed in a timely fashion; Home Depot will be finished in mid-September. The petitioner is providing temporary access through this site.

Carol Schleif said she thought Commerce Drive was finished and was sure she had driven on the asphalt and rear access to the loading docks to Home Depot.

Paul McLaughlin, Duke Realty responded that there is a temporary access drive for the construction period so that trucks can get back to the loading docks. The center is moving forward with their opening time, and this is the best way to get retail traffic to the front of the store—it will be limited

to a single access off Walnut Creek if the 99th Street access is not opened across the front of the site.

Rick Ripma commented that when Home Depot came through the Commission, there was a side view and it did not show another building at this site.

Matt Griffin responded that when Home Depot came through, they had an unimproved wall. They may have made a commitment to clad the wall in brick if there was no other building; the west wall was a blank.

Leo Dierckman made formal motion to **forward Docket No. 06060005 DP, Block G, West Carmel Marketplace** to the Special Studies Committee on August 1, 2006 with full authority to approve this item, seconded by Susan Westermeier, Approved 6-0.

3H. Docket No. 06050020 PP: Clay Creek

The applicant seeks to plat 30 lots on 29.971 acres.

The site is located on Hoover Road north of 116th Street and is zoned S1.

The applicant seeks the following waivers for the proposed plat:

06050021 SW: SCO Chapter 6.03.07 Cul-de-sac Length – request to have cul de sac in excess of 600 feet in length

06050022 SW: SCO Chapter 6.05.07 Orientation of Home – request to allow dwellings to face internal street

06050023 SW: SCO Chapter 7.05.07 Clearing of greater than 15% of mature woodlands.

Filed by Charlie Frankenberger for MHE Development Co. LLC.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Bob Ellis on behalf MHE Development.

The subject real estate comprises approximately 30 acres, zoned S-1, and located just north of 116th Street adjacent to Hoover Road. MHE Development is requesting Primary Plat approval to develop the real estate under the existing S-1 classification. The plat would be known as Clay Creek and consist of 30 lots; the density is one per acre with 28% open space and significant tree preservation areas to the south along the Meeting House Road to be constructed.

The residences will be custom homes and will range in price from \$750,000 to \$950,000 plus. Architectural commitments, while not required, are included in the informational packets. Meeting House Road shown on the northern boundary does not exist today, however it is shown on the Thoroughfare Plan for Carmel. As part of this request for 30 lots, the petitioner is required not only to dedicate all of the land for this segment of Meeting House Road, but also to build this segment of Meeting House Road adjacent to the northern boundary of the real estate. The Thoroughfare Plan designates this as a collector street and it will align with the existing Meeting House Road on the west side of Hoover Road.

A neighborhood meeting was held on July 11, 2006; the petitioner was asked about eliminating the median shown in Meeting House Road. It is the petitioner's understanding that the City requires landscaping in the center of Meeting House Road, therefore, the pavement width will be reduced

(not the right-of-way.) The petitioner was asked to narrow the width of the right-of-way—the Thoroughfare Plan indicates that Meeting House Road is a collector street and that an 80 foot wide right-of-way is required.

Originally, MHE requested three waivers: 1) Cul-de-sac length. 2) Orientation of dwellings. 3) Clearing of greater than 15% mature woodlands. Pursuant to the Department's recommendation, the design of the cul-de-sac now includes a stub to the east, and the need for the cul-de-sac length waiver is obviated. Regarding the orientation of dwellings, the waiver will prevent the backs of homes (6 homes) to face the perimeter road; two homes will face Meeting House Road. As indicated in the informational packets, berms are proposed in the buffer areas and additional architectural features are required for those residences. Regarding the tree clearing, the petitioner must clear trees within the right-of-way of Meeting House Road in order to comply with the requirements of constructing Meeting House Road. Regarding approximately 8 acres of woodlands located outside of Meeting House Road and within Clay Creek, MHE Development will preserve approximately 5.5 acres and clear approximately 2.49 acres. To mitigate, MHE Development has committed to reforest, to the extent it clears more than 15% of the woodlands within Clay Creek. The reforestation is currently being discussed with Scott Brewer, Urban Forester.

At this time, the petitioner is requesting Primary Plat approval for 30 lots on 30 acres, consistent with S-1 requirements. The density is also consistent with that permitted in the S-1 classification. The homes will be custom-built, exceed the S-1 requirements, and range in price from \$750,000 to \$950,000.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/Unfavorable:

Kevin Denois, 1837 Braeburn Drive, Carmel was concerned with construction of the road—location, configuration, and preservation of the existing tree line, and buffer being provided. Mr. Denois stated concern with the specified 80-foot right-of-way as opposed to the 120-foot right-of-way. Mr. Bahney feels that the proposed plan inconsistently applies the requirement of standard procedure planning, including the Thoroughfare Plan. Mr. Denois referred to a letter dated July 17, 2006 addressed to the Department and will provide a copy for the Commission.

Doug Bahney, eastern-most lot that borders the proposed development—has no issue with the proposed development as far as lot size, type of homes, etc., but does have an issue with the placement of Meeting House Road due to the safety factor—it is in residential back yards—and the effect on the mature tree line, and impact on housing values. Consider re-locating the road to the south side of the development—that would alleviate concerns expressed. Ditch Road could still be matched-up.

Rick Reard, High Grove Subdivision, objected to the location of the road because of the access that would be adjacent to the High Grove property.

Rebuttal, Charlie Frankenberger: Meeting House Road is shown as a collector on the Thoroughfare Plan. Again, there was much discussion as to whether or not it could be narrowed and if the median

could be eliminated. Regarding the location of Meeting House Road, the engineers have conferred with the City Engineers—Meeting House Road is in the location that is desirable to the City. It is desirable for many reasons: It will eventually extend farther east and then south to Ditch Road. Meeting House Road, because it is an important road, will occur whether it is feasible for the petitioner to develop the land or not. If the petitioner does not develop it and the City were to acquire the land eventually through eminent domain, it would be constructed with public funds. The City would like to choose the location of the road. Also, Meeting House Road must align with the existing Meeting House Road on the opposite side of the street. The location as shown has a lesser impact on the natural attribute of the real estate and permits an area of tree preservation to remain as a single area and not be split. The required buffering is also being provided.

Department Comments, Matt Griffin: As was stated, Meeting House Road is a part of the Thoroughfare Plan and has been since the 1990 Comp Plan process. As requested in that plan, the right-of-way is 80 feet. The improvements as shown are what are called out in the current construction plan for the Thoroughfare Plan. There is probably discussion to be had on how much planting goes on in each side of the road, and how wide the improvements are within the 80-foot right-of-way. What is shown is what is being requested by the City and is an important link in the Thoroughfare Plan system—the link is required by the City.

Regarding the landscape plan: As stated, there are a lot of substantial trees on the site and the Urban Forester feels that there may be an opportunity to identify those trees within the bufferyard. We are doing a better job of preserving the existing and possibly maintaining a better buffer between this property and the property to the north as well as other trees on site. Also, Carmel Engineering had a list of concerns and comments and a lot of those have been addressed through the revised plans seen this evening. The Department is requesting that the petitioner touch base with engineering and go over the list again, identify outstanding items, and revise. At this time, the Department is recommending this item be sent to the Subdivision Committee on August 1, 2006 at 6:00 PM for further review.

Rick Ripma asked that the petitioner submit drawings from the road into the community in connection with the orientation of home waiver. The Committee would also like to see some commitments regarding construction of the homes—the back of the homes, landscaping on those lots, etc. Detail should be presented showing what will be cleared as far as the trees, what will be added, and the placement.

Mark Rattermann commented that the Thoroughfare Plan being referred to is on the City website and he encouraged the residents to access the site. This leg of the road has been on the plan for at least 10 years. Maybe there is some flexibility here—there is no easy solution.

Leo Dierckman asked for confirmation that there is a trail planned for both the north and the south side of Meeting House Road.

Charlie Frankenberger responded in the affirmative.

Carol Schleif was concerned about the planting strip as a buffer between the development and adjacent neighborhood. Also, the plan looks as if it is really short on shrubs. A lot of the shrubs are

not evergreen and that means they will be brown in the winter. Regarding existing trees that might be cut, Carol asked for an aerial with an overlay indicating the trees and sizes for the entire site that would be cut down. If it is over 15%, it is important to look at.

Mike Hollibaugh, Director, Department of Community Services addressed the Commission. When High Grove was platted, this segment of roadway was on the Thoroughfare Plan and it was discussed. At that time, the City tried to get some reservation of right-of-way or buffer as a part of the plat; the Plan Commission felt that it was not necessary. We have done this to ourselves on a number of occasions where there is a line on the Thoroughfare Plan and we let it slip away to the point where we end up with one option and not everyone is happy with that one option. The concept for the boulevard—the City has been building the boulevard as a part of the bond issue and that is the standard that the Engineering Dept. has moved forward with. The idea is that rather than having two lanes of pavement, a median helps to break that up and minimize the impact of a roadway. We are slowly implementing the plan. When you hear for the first time that there will be a road in your back yard, it is hard to swallow. The Department will continue to look at ways to adjust it with the developer and Engineering in order to minimize everyone's pain.

Docket No. 06050020 PP: Clay Creek was referred to the **Subdivision Committee** for further review on **August 1, 2006 at 6:00 PM** in the Caucus Rooms of City Hall.

The meeting continued following a short recess.

4H. Docket No. 06060004 Z: 122nd & Pennsylvania Rezone

The applicant seeks to rezone 27.41 acres from R1 and M3 to B3 to allow for medium-density commercial office development.

The site is located on the northeast corner of 122nd Street and Pennsylvania Street. Filed by Paul Reis of Bose McKinney & Evans LLP for Panattoni Development.

Paul Reis, attorney with Bose McKinney & Evans, 600 East 96th Street, Suite 500 appeared before the Commission representing the applicant. Also in attendance: Nathan McClure, Panattoni Development, and Steve Granner, Land Use Consultant with Bose McKinney.

Panatonni Development develops, leases, and manages industrial office and retail projects in more than 85 cities throughout the United States, including Indianapolis, Plainfield, and Noblesville. This is their first entry into the Carmel market. Panatonni is proposing to develop approximately 27 acres of undeveloped land located at the northeast corner of Pennsylvania Street and 122nd Street.

The site is bound on the north by Kirk Furniture, Hamilton Crossing Retail Center, and Carmel Drive—to the south is the Conseco campus, undeveloped land, and the REI parcel—also a helipad. The site consists of three parcels—two parcels are in the Residential R-1 zone district, the third and largest one is in the M-3 District. The site is identified in the Comprehensive Plan within a regional community employment area with a recommendation for medium intensity development. What that contemplates is low to mid-rise office complexes between three and five floors, community retail centers up to 200,000 square feet and retail developments greater than 10 acres in size.

Panatonni Development is petitioning to rezone these three parcels into the B-3 Business District

that provides a wide variety of commercial and office uses while regulating businesses in developing areas. With the Old Meridian District slowly beginning to redevelop, there will be continued development as well as development of the vacant parcels within the Meridian Technology Center.

At this point, the petitioner has already filed the ADLS and Development Plan applications and has included the conceptual site plan with the informational materials. Three buildings are anticipated, anywhere from two to three stories in height, general office uses. It is the petitioner's belief that the rezone will be very complimentary to the existing, adjacent uses and will be responsible growth consistent with the US 31 corridor.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: As previously stated, a portion of this site is a rezone from an R-1 and M-3 zone to a B-3 Business classification—this complies with the current Comprehensive Plan for the zoning in terms of use for the area. Next month, the DP/ADLS will be before the Plan Commission. At this time, the Plan Commission is considering the Rezone—next month the Plan Commission will be reviewing what is actually proposed on this site. The Department is recommending this item be sent to the Special Studies Committee for further review on August 1, 2006. It would be appropriate for the Committee and the Commission to request commitments at this stage of the rezone in the form of architectural commitments or site design. This proposal does comply with the zoning in the Comprehensive Plan.

Commission Comments:

Jerry Chomanczuk said that when Conesco purchased these properties, it did not take any action to rezone to B-3 or B-5—it was dormant. The City would certainly like to see a B-3 or B-5 zoning in this area. This is probably more of a “housekeeping” issue at this point.

Mark Rattermann concurred with comments made by Jerry Chomanczuk.

Rick Ripma noted that the buildings are not very attractive—perhaps when the petitioner comes under ADLS review, some changes could be made.

Leo Dierckman concurred as to the aesthetics of the buildings and noted that the property is a “sea of asphalt.” Somehow, there needs to be some green space incorporated into the plan.

Jerry Chomanczuk noted that with the construction of the buildings, those will be across from the Irsay Helipad—would there be any flight pattern issues to be considered? Has “Bopper Airways” responded or commented to the public notice.

Paul Reis responded that his firm represents Bopper Airways and correspondence was sent from Bopper to the developer, Panattoni. Everyone is on one board that this is an operating helipad and everyone understands and believes the flight path does not interfere with any construction.

Jerry Chomanczuk asked if there had been any notification or interaction with the Meridian

Technology Park Association administrators. There is also a concern with the proximity of the egress on Pennsylvania Street. There is a round about planned for Old Meridian at this intersection.

Paul Reis said he would follow up and make contacts with the appropriate people. The round about would not have any impact on this particular site; the petitioner has been in contact with Gary Duncan in the Engineering Department.

Carol Schleif commented that building number three needs a lot more windows—offices need maximum light for increased productivity.

Docket No. 06060004 Z, 122nd & Pennsylvania Rezone was referred to the **Special Studies Committee** for further review on **August 1, 2006** at 6:00 PM.

5H. Docket No. 06060006 PP Replat: Little Farm Subdivision Lot P16

The applicant seeks to divide one parcel into two parcels, to allow for the construction of two, two-family dwellings. A variance has been granted to allow for reduced lot size.

The site is located at 10506 Combs Avenue and is zoned R3 within the Home Place Overlay. Filed by Shahpor Shahbahrami.

Shahpor Shahbahrami, 8565 North Central Avenue, Indianapolis appeared before the Commission representing the applicant. The petitioner would like to divide one parcel into two parcels to allow for the construction of two, two-family dwellings. The property is located within the Home Place Overlay and is zoned R-3.

Mr. Shahbahrami commented that the proposed dwellings would be complementary to the area.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/Unfavorable

James Richards, 1140 East 105th Street. To Mr. Richard's knowledge and belief, there is a natural drain flowing beneath the parcel intended for development; during heavy rains, water flows across the lot and any structure would bank the water into 4 or 5 existing homes in this area.

Judith Steiner, 1142 East 105th Street, 41 year resident. Existing structure on the property was built as an income property for an elderly person. Since then, there have been a number of renters; currently there are as many as five persons occupying the home and three dogs, one of which is a pit bull. The lot size cannot accommodate two more homes—drainage is also a problem.

Rebuttal: Shahpor Shahbahrami said he had looked at the drainage and calculated it for the area. (Mr. Shahbahrami is also a professional engineer.) The capacity of the pipes is sufficient to accommodate the runoff and drainage. The area is flat and water does not stand after heavy rains, it drains from the site.

Department Report, Matt Griffin: As stated earlier, this petition does comply with the Ordinance,

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12

however, the petitioner also has applied for a variance to grant the creation of the two lots. There are no outstanding concerns or issues. The Urban Forester has no issues with the site. The property is actually within the County for Engineering. This proposal has been before the TAC Committee and those reports can be made available at the Committee level. The Department is suggesting that this item could have final approval at Committee discretion. The Department is recommending this item be sent to the Subdivision Committee on August 1, 2006 for further review.

Commission Comments:

Mark Ratterman wanted to confirm that this proposal is actually for one building containing two units, and will be owner-occupied. The drainage issue will have to be approved by the County, not the City.

Carol Schleif noted that the drawings show two buildings.

Matt Griffin clarified that currently there is one lot with a single-family home on it. The petitioner intends to split the lot in half—the new, additional lot will have one, double-unit on it. In the end, there will be a total of three units—two in a double, one existing single. This proposal is a re-plat of the Little Farms Subdivision.

Mark Rattermann cautioned the petitioner that sometimes there are covenants in existence that prohibit the splitting of lots such as proposed. If that were the case, even if the Plan Commission were to approve it, it would not cancel out the covenants and restrictions.

Docket No. 06060006 PP Replat, Little Farms Subdivision Lot P16 was forwarded to the Subdivision Committee for further review on August 1, 2006.

Mark Rattermann made formal motion to **empower the Subdivision Committee to grant final approval of Docket No. 06060006 PP Replat**, seconded by Susan Westermeier, Approved 6-0.

Note: Petitioner is to bring to Committee a photograph of the existing home as it is today on the lot.

I. Old Business

- 1I. **Docket No. 06010008 Z: Midtown Village PUD – CONT. TO AUG 15.**
The applicant seeks to rezone 18.82 acres from I1/Industrail to PUD for the purpose of creating mixed use development.
The site is located at 510 Third Avenue SW and is zoned I1/Industrial.
Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.
- 2I. **Docket No. 06030005 PP: Village on the Monon**
Docket No. 06030028 SW: SCO Chapter 7.05.07, Woodlands
The applicant seeks to plat 19 lots on 6.29 acres.
The site is located at 1320 Rohrer Road and is zoned R1 Residential
Filed by Kevin Roberts of DeBoy Land Development Services for The Anderson Corporation.

Jim Anderson, management member of Stuart Anderson LLC, developers of this project, appeared before the Commission representing the applicant. Also in attendance: Kevin Roberts, DeBoy Land Development.

The petitioner is seeking primary plat approval as well as a subdivision waiver for the removal of woodlands. The site consists of 19 lots on 6.7 acres and is currently zoned R-1. The project is designed under the Open Space Ordinance and will be an “empty nester” type of development. The price of the homes will be \$300,000/\$400,000 and will be predominantly brick, 1800 to 2300 square feet in size. The project will be a low-maintenance type development with monthly dues covering the costs of yard maintenance and snow removal.

The primary amenity for the project is the green space as well as the preservation of the natural setting. The project is located on the west side of Rohrer Road, just north of the parking lot that serves as a trailhead for the Monon Trail. The petitioner has committed to several roadway improvements for Rohrer Road on the west side of the street. Per the Engineering Department, the petitioner is adding a decel lane and accel/decel blisters; the petitioner will mill and resurface Rohrer Road the entire length of the property. The petitioner will grant additional right-of-way to provide for 40 feet of half right-of-way across the entire length of the property.

The project will have a main entrance off of the west side of Rohrer Road at the southern end of the property. This particular location is at the crest of the hill on Rohrer Road and has a good site line. The petitioner said he has preserved a great deal of open space, approximately 34% of the entire site.

A tree analysis was done and tree inventory developed. Those are included in the informational packets.

Department Comments, Matt Griffin: The Department has no outstanding issues with this petition and approval is recommended as forwarded by the Committee.

Committee Report, Carol Schleif: Mostly what the Committee discussed were the trees and the fact that the lots are much smaller than needed to be for this zoning. The general feeling was to try to save as much green space as possible. There was a concern that the square footage of the one story building would put much of the building right at the building line. In general, the target they were shooting for, even though it is tight, might work. The Committee voted 4-0 to recommend approval.

In response to questions from Mark Rattermann, Jim Anderson said that lawn and exterior maintenance will be done by the same entity, the Homeowners Association.

Leo Dierckman made formal motion to **approve Docket No. 06030005 PP, Village on the Monon and Docket No. 06030028 SW, SCO Chapter 7.05.07, Woodlands**, seconded by Mark Rattermann, **APPROVED 6-0.**

3I. Docket No. 06040025 DP Amend/ADLS Amend: Parkwood Garage (Liberty Mutual Group)

The applicant seeks Development Plan Amendment, Commitment Amendment, and

Architectural Design, Lighting, and Signage Amendment approval for 7.81 acres, for the purpose of constructing a three-story parking garage, replacing some existing surface parking.

The site is located at 350 East 96th Street and is zoned B6/Business. The site is located within the US 31 Corridor Overlay.

Filed by Paul Reis and Blaine Paul for Liberty Mutual and Duke Construction LP.

Paul Reis, attorney with Bose McKinney & Evans appeared before the Commission representing the applicant. Also in attendance: Blaine Paul, Chris Chambers, Duke Construction, Ron Dench, Liberty Mutual.

The Parkwood Garage petition was reviewed by the Special Studies Committee on June 29, 2006; the first item discussed was the actual need for the additional parking. The Indiana Insurance Building was originally constructed to serve as a corporate headquarters. However, the use of the building has transitioned into a data center creating more jobs and requiring more parking. Under the current Zoning Ordinance, general office use requires 4 parking spaces for every 1,000 square feet. A calling center requires 6.7 parking spaces for every 1,000 square feet. This parking garage is being approached as a hybrid of those two uses and would support the parking ratio of 5.6 spaces per 1,000 square feet.

The number of employees, traffic, planned improvements, and 96th Street were also discussed with the Committee and the members concluded that the parking was in fact appropriate for the building and stacking ability for the cars. A revised elevation was presented for the structure as well as enhanced photographs from I-465 showing the existing trees that are being preserved as well as the additional trees being added to the landscape plan. The landscape plan has been approved by Scott Brewer, Urban Forester and Environmental Planner.

Revised elevations were distributed showing the decrease in the number of light poles by 50%--from 12 to 6--and the poles were lowered to 19 feet in order to decrease the visibility of the poles. Those reductions were both approved and welcomed by the Committee and had a positive on the over all project. We also discussed light migration and agreed that the reduction in the number and height of the light poles would help. There is also high intensity lighting along I-465 and a significant distance from this structure to 96th Street and the homes that are on the other side of 96th Street.

The final issue was discussion and confirmation that the material samples being used in the parking garage match the building materials used on the existing office building.

The Committee voted 4-0 to recommend approval of the Development Plan and ADLS as well as the Commitment Amendment regarding the height of the structure.

Department Report, Matt Griffin: There are no outstanding issues at this time and the Department is recommending approval.

Committee Report, Leo Dierckman: There was an issue with the neighborhood to the south and there are usually some residents in attendance. (namely, Janet & Maynard Cox) However, the fact

that there are no neighbors present is a good indicator that they are comfortable with this proposal. Looking at the elevations from 465, you see trees in place, but not much of the structure.

Paul Reis reported that Steve Granner and Blaine Paul had appeared before the Nora Northside Community Council and they have given their approval to this proposal.

Jerry Chomanczuk said he had one concern and that is the traffic issue. The entire area leading up to Meridian currently has traffic cops directing traffic.

Leo Dierckman responded that there are few lanes heading west on 96th Street to Meridian. As the road is widened, this will be somewhat alleviated with a left turn lane, right turn lane, and two straight lanes. The problem currently is that the straight lane is blocked by left turns. The road is in process of being widened.

Leo Dierckman made formal motion to approve **Docket No. 06040025 DP Amend/ADLS Amend, Parkwood Garage (Liberty Mutual Group) together with the commitment amendment**, seconded by Rick Ripma, **APPROVED 6-0**.

There was no further business and the meeting adjourned at 8:50 PM.

Jerry Chomanczuk, President

Ramona Hancock, Secretary